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Human rights bodies and mechanisms

Summary of discussions of the Forum on Business and Human Rights

Note by the Secretariat*

In accordance with Human Rights Council resolution 17/4, the Forum on Business and Human Rights was held in Geneva from 2 to 4 December 2013. The Forum was chaired by Makarim Wibisono, and held under the guidance of the Working Group on the issue of human rights and transnational corporations and other business enterprises. The Chairperson of the Forum prepared a summary of the discussions of the Forum (A/HRC/FBHR/2013/4). The Working Group reflected on the proceedings of the Forum and made recommendations thereon addressed to States, business enterprises and other stakeholders in its report to the Human Rights Council (A/HRC/26/25).

* Late submission.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the right to education, Kishore Singh

Assessment of the educational attainment of students and the implementation of the right to education*

Summary

The present report is submitted pursuant to Human Rights Council resolution 17/3. It centres on the assessment of the educational attainments of students and the implementation of the right to education. The Special Rapporteur on the right to education underlines the importance of developing and applying national assessment systems which are in compliance with international human right norms, so that education meets the essential objectives assigned to it in human rights conventions. He considers that such a human rights-based, holistic approach is essential for fostering the humanistic mission of education rather than its mere instrumental role, using a narrow scope of assessments linked to mathematical literacy and language skills only. The report also places emphasis on skills development as an integral part of basic education and on the need for innovative assessment modalities of technical and vocational education and training, particularly in developing countries, in response to the rising aspirations of youth, while not losing sight of the human rights perspective.

The report concludes with recommendations to strengthen human rights-based, holistic approaches to national assessments of the educational attainments of students.

* Late submission.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 17/3. It centres on the assessment of the educational attainments of students and the implementation of the right to education. It underlines the importance of developing and applying assessments of those educational attainments in line with human right norms so that education meets the essential objectives assigned to it in international human rights conventions. Such a human rights-based, holistic approach is essential for fostering the humanistic mission of education, rather than its mere instrumental role, using a narrow scope of assessments linked to mathematical literacy and language skills only. The report also places an emphasis on skills development as an integral part of basic education and on the need for innovative assessment modalities of technical and vocational education and training, particularly in developing countries, in response to the rising aspirations of youth, while not losing sight of the human rights perspective.

2. The present report builds upon previous reports by the Special Rapporteur on the right to education concerning quality education and normative action (A/HRC/20/21) and on technical and vocational education and training from the perspective of a right to education (A/67/310). Its focus is on national assessment at the level of basic education, with reference to regional or international assessment systems. The report seeks to elaborate on assessments of the educational attainment of students, rather than on that of schools or teachers per se, even though they are connected. It is confined to the field of basic education,[1] since the realization of the right to a basic education of quality for all is the priority concern of the international community and likely to remain central to the post-2015 development agenda.

3. During the reporting period, the Special Rapporteur undertook a mission to Seychelles. He also reported to the sixty-eighth session of the General Assembly (A/68/294). That report highlighted recent developments in the post-2015 development agenda and analysed educational goals and implementation strategies, with a focus on action at the national level. The Special Rapporteur stressed the importance of placing the right to education at the centre of discussions on the post-2015 development agenda and offered a set of recommendations on how to operationalize a rights-based approach to the education-based development goals.

II. Recent activities undertaken by the Special Rapporteur

4. Since last reporting, the Special Rapporteur has continued to participate in activities, related to advocacy for the right to education and raising its profile at national, regional and international levels. He has remained actively engaged in maintaining a dialogue with States, international bodies, the intellectual community and civil society organizations.

5. In April 2013, the Special Rapporteur participated in the twelfth session of the Working Group of Experts on People of African Descent, in Geneva, and made a

[1] "Basic education covers notions such as fundamental, elementary and primary/secondary education", it "consists of at least 9 years and progressively extends to 12 years", Experts' Consultation on the Operational Definition of Basic Education, 17–18 December 2007, conclusions (ED/BAS/RVE/2009/PI/1). Some education systems may already offer vocational education programmes at International Standard Classification of Education (ISCED) level 2 (lower secondary education) to provide individuals with skills relevant to employment. See UNESCO Institute for Statistics, International Standard Classification of Education, ISCED 2011 (Montreal, 2012), para. 139.

presentation on the promotion of equality and opportunity in education for people of African descent.

6. On 21 and 22 May, the Special Rapporteur participated in the second global meeting of the International Group on the Right to Education, organized by the National Academy for Educational Research in Taipei, Taiwan Province of China, and gave the opening address on international initiatives on the right to education and education-related goals for the post-2015 development agenda.

7. In June, the Special Rapporteur took part in a number of activities organized during the twenty-third session of the Human Rights Council in support of his report on the justiciability of the right to education (A/HRC/23/35), which he presented to the Council on 31 May. He was the lead speaker at a side event organized by Ecuador, together with Brazil, India and Morocco on the theme of a human rights-based approach to the right to education.

8. During the international expert conference, "Vienna+20: Advancing the Protection of Human Rights" (27 and 28 June), organized in Vienna on the occasion of the twentieth anniversary of the Vienna Declaration and Programme of Action, the Special Rapporteur participated in a working group entitled "Mainstreaming human rights: a human rights based approach to the Post-2015 Development Agenda." He was also a speaker at an expert meeting on "Promoting a rights-based approach to financial regulation and economic recovery", held in Vienna on 1 July.

9. On 15 and 16 July, the Special Rapporteur attended an event entitled "Educational visions for India: reflections on strategy and action", organized by the Council for Social Development in New Delhi. He also chaired and moderated a session on the right to education during the event. On 22 July, he met with the United Nations country team in India with respect to the right to education in the post-2015 development agenda.

10. On 15 August, the Special Rapporteur addressed a joint meeting of the Permanent Committee on Education, Culture, Tourism and Human Resources and the Permanent Committee on Justice and Human Rights of the Pan-African Parliament and shared his experience in promoting a human rights-based approach to education to bring African voices to the post-2015 development agenda. On the same day, he had an extensive dialogue with the South African Human Rights Commission, covering a wide range of issues relating to the protection and promotion of the right to education.

11. On 21 August, the Special Rapporteur was a main speaker at the International Forum on the Millennium Development Goals in the field of education and preparation of a corresponding development strategy after 2015, organized in Astana by the Ministry of Education and Science of Kazakhstan. On 23 August, he was among the high-level guest speakers at the launch of the International Decade for the Rapprochement of Cultures (2013–2022) in Astana.

12. On 18 and 19 September, the Special Rapporteur participated in a meeting of the Commonwealth Ministerial Working Group on the Post-2015 Development Framework for Education, as a follow-up to the Mauritius communiqué issued at the 18th Conference of Commonwealth Ministers of Education, and shared his views on the central role of education.

13. On 24 September, the Special Rapporteur was a lead speaker at an event on the theme of "Human right to education in the post-2015 development agenda", hosted by the Global Campaign for Education, Open Society Foundations and 15 non-governmental organizations (NGOs), underlining the importance of the right to quality education for all.

14. On 4 October the Special Rapporteur attended the launch of the campaign "Unite for quality education - better education for a better world" on the occasion of World Teachers' Day, celebrated by Educational International, along with many other NGOs, in New York.

On 28 October, he was a guest speaker in New York for the launch of the book *Ready to Learn: a Legal Resource for Realizing the Right to Education*, published by the Legal Resources Centre, South Africa.

15. On 7 November, the Special Rapporteur addressed the Education Commission of the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris during the debate on "Education beyond 2015", emphasizing the importance of ensuring that education is preserved as a public good.

16. From 25 to 30 November, the Special Rapporteur attended a regional workshop on Education for All in Africa in Algiers, hosted by the African Commission on Human and People's Rights, and addressed the opening session of the workshop on key challenges in realizing the Education for All agenda and the right to basic education.

17. On 3 December, the Special Rapporteur gave the opening address at a seminar organized by the University of Extremadura, Spain, in cooperation with the Government of Extremadura and Collège Henry Dunant, Geneva, aimed at encouraging reforms in the universities of the Maghreb by introducing a rights-based approach.

18. On 10 and 11 December, he participated as an expert in the national education summit, organized by the Government of Gujarat, India, and addressed the opening session, highlighting the importance of the right to education in nation-building.

19. On 19 January 2014, the Special Rapporteur addressed the regional forum on the protection of the right to education during insecurity and armed conflict in the Middle East and North Africa region, organized by the United Nations Human Rights Training Centre, in Doha.

20. On 21 February, he participated in an event organized in Paris by the Organisation internationale de la Francophonie and UNESCO to celebrate International Mother Language Day and addressed the audience on local language, global citizenship and the right to education.

21. On 3 and 4 March, the Special Rapporteur participated in an international conference on the "Enforcement of international human rights law through the mechanism of United Nations Special Rapporteurs" organized by the international law and organizations programme at the Johns Hopkins University School of Advanced International Studies, in collaboration with its centre at Bologna, and spoke on the justiciability and enforcement of the right to education.

22. On 7 March, the Special Rapporteur was a guest speaker at an event organized by International Relations Consulting Network and Lobbying at the European Parliament in Brussels, where he spoke on the post-2015 development agenda and the right to an education perspective. On 31 March, he participated in the Alliance2015 round table on education on the theme of "Enhancing EU impact on education for global sustainable development" in Copenhagen. On 16 March, he participated in briefings for the permanent missions in New York on the post-2015 development agenda, organized by the United Nations Institute for Training and Research in New York.

III. Towards a holistic, human rights-based approach to the assessment of the educational attainments of students

23. Fulfilment of State obligations for the right to education is dependent upon how the education provided meets the essential objectives of the right to education, as shown by the educational attainments of students. This calls for national assessments of education to be driven by a human rights-based approach, where the full range of obligations arising from the right to education remains centre stage. The Special Rapporteur would like to emphasize the need and importance of a holistic approach which is broader than the narrow

approach of performance evaluation only of mathematical literacy and language skills, and which broadens the assessment of the educational attainments of students to include all obligations relating to the right to education under international human rights law.

A. Human rights standards in education

24. States have the primary responsibility for ensuring that their national education systems meet the objectives assigned to education in international human rights treaties. Beginning with the Universal Declaration of Human Rights, schools must provide education which is respectful of human rights values, democratic citizenship and cultural diversity. According to the principles contained in article 29 (1) of the Convention on the Rights of the Child, the education of the child shall be directed to "the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own." The education to which every child has a right is one which is "designed to provide the child with life skills, to strengthen the child's capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values."[2] Yet, as the Committee on the Rights of the Child has stated, national and international programmes and policies on education that really count the elements embodied in article 29 (1) seem all too often to be either largely missing or present only as a cosmetic afterthought.[3]

25. In this respect, it is important to recall that the UNESCO constitution assigns to education the mission of promoting the "ideals of humanity" and fostering the "intellectual and moral solidarity" of humankind. Both UNESCO and the United Nations Children's Fund (UNICEF) have the institutional mission of preparing children for the responsibility of the future and these ideals should constitute the bedrock of national curricula. Moreover, education should be designed and provided in such a way that it "promotes and reinforces the range of specific ethical values" enshrined in the Convention on the Rights of the Child.[4] The need for "new ethics for our common humanity"[5] has been voiced in propositions for planning for the post-2015 development agenda. This should find a prominent place in reflections on modernizing the curriculum for assessing the educational attainments of students accordingly, as an integral part of the humanistic mission of education.

26. The primary objective of national assessment systems is to appraise the educational attainments of students through the entire national education system. This should be driven by a human rights-based approach and the humanistic mission of education, rather than by its mere instrumental role, and by preserving and fostering the noble cause of education. The values and principles propounded by the United Nations Declaration on Human Rights Education and Training[6] "as a means to give full effect to the right to education worldwide"[7] must be publicized in order to make them an integral part of the educational

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[2] General comment No. 1 (2001) of the Committee on the Rights of the Child on the aims of education, para. 2.

[3] Ibid., para. 3.

[4] Ibid., para. 13.

[5] "A new global partnership: eradicate poverty and transform economies through sustainable development", report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda (2013).

[6] Human Rights council resolution 16/1, annex.

[7] Human Rights Council resolution 23/4, para. 5.

attainments of students. "Universally recognized human rights values and democratic principles should be embedded in any education system."[8]

B. Learning to live together

27. A ground-breaking report presented to UNESCO in 1996, known as the Delors Report, outlined four pillars of education: learning to know, learning to do, learning to live together and learning to be.[9] Those objectives provide a useful framework for the purpose of modernizing national curricula and the corresponding mechanisms for assessing the educational attainments of students.

28. Assessing the peacebuilding role of education is also important, especially in conflict situations and in the phase of post-conflict reconciliation. "Education in the twenty-first century needs above all to teach children what is arguably the single most vital skill for a flourishing multi-cultural society - the skill of living peacefully with other people ... No country can hope to establish lasting foundations for peace unless it finds ways of building mutual trust between its citizens - and the place to start is in the classroom."[10] An important consideration in assessing the educational attainments of students is whether their behaviour patterns reflect their understanding of, and commitment to, learning to live together.

C. Fostering the positive values of cultural diversity

29. Education is invaluable for the preservation of the cultural heritage of humankind.[11] Inculcating in students a commitment to preserving and enriching multicultural and multilingual diversity and promoting a better understanding and appreciation of the richness of cultural diversity deserves an important place in any education system.[12] National curricula should aim to prepare students for the defence of cultural diversity as an ethical imperative, inseparable from respect for human dignity, as expressed in the UNESCO Universal Declaration on Cultural Diversity of 2001.[13] The main lines of the action plan for the implementation of the Declaration clearly provide for promoting through education an awareness of the positive value of cultural diversity and improving to this end both curriculum design and teacher education. The education provided, as well as the assessments of students, should show the importance attached to the preservation and promotion of cultural diversity and pluralism as an essential part of human-centred development. The assessment of students should demonstrate their understanding of common values shared by all humankind, with respect for people from different civilizations, cultures and religions.

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[8] See A/HRC/20/21, para. 18.

[9] Report to UNESCO of the International Commission on Education for the Twenty-First Century: "Learning: the treasure within" (1996).

[10] Education for All global monitoring report, "The hidden crisis: armed conflict and education", (UNESCO Publishing, 2011), p. 23.

[11] This has assumed special significance as a follow-up to the proclamation of the International Decade for the Rapprochement of Cultures by the General Assembly in resolution 67/104.

[12] For example, in Indonesia, the Law on the National Education System (2003) aims to inculcate in young minds a respect for human rights, cultural pluralism and learning to live together and promote morals, character building and unity in diversity (*Bhinneka Tunggal Eka*) in the spirit of brotherhood and solidarity.

[13] Article 5 of the Declaration stipulates that "all persons are entitled to quality education and training that fully respect their cultural identity".

IV. Assessment mechanisms in basic education

30. Student-based assessment of educational attainments has a direct correlation with the curriculum-based assessment of educational attainments. States have an obligation to fulfil the right to basic education, based on minimum standards, provided by qualified teachers and effectively managed through a system of implementation and assessment.[14]

31. National assessment systems must be inclusive, and cover all students within a national population. "Student-based" mechanisms evaluate the progress of each student against school standards, which reflect the local and national curriculum requirements. These systems must apply to all students in a country without exception, to ensure that they are all assessed and supported to ensure their progressive improvement, particularly those from vulnerable groups.

A. Educational attainments in the progression from primary to secondary level

32. The Education for All goals of universal primary education for all has created pressure on Governments simply to push students forward, regardless of their educational achievements. Emerging policies and regulations in several countries are minimizing or even doing away with quality control by way of exams in the transition from primary to secondary education. That is a regressive measure, which is detrimental to the quality of the education provided. It is an issue of critical importance in national quality assessment and deserves rethinking. As the Special Rapporteur stated in his earlier report, it is "crucial to monitor and assess students' educational achievements on a regular basis, with a rigorous performance evaluation prior to passing from primary to secondary education. Automatic promotion to the next grade irrespective of students' learning achievements can perpetuate, even aggravate, the poor quality of education" (A/HRC/20/21, para. 75). It is important to ensure through national assessment whether the education system is furnishing all students with the necessary knowledge and competencies in a sustained manner.

33. States are under an international legal obligation to ensure that each child completes a basic education of good quality, as assessed by a national assessment mechanism. This normally requires successful attendance and completion of a formal education programme, which awards a recognized qualification.[15] Merely attending school does not lead to the completion of basic education - all students should be required to have a recognized qualification of successful completion of basic education (ISCED level 1), or a specific level of achievement, for entering some or all junior secondary level education (ISCED level 2) programmes in a specific country.[16]

34. For example, in Senegal, given the requirement for 10 years of compulsory education under the Education Law of 2004, the awarding of the certificate for completion of elementary education (*certificat de fin d'études élémentaires*) has no bearing on progression to the sixth year of schooling, which is through a competitive test for intake, depending on the availability of places for secondary education. Similarly, in Gabon, the *certificat d'etudes primaires* plays no role in the progression from primary to secondary education. In Mali, the requirement of completion of the primary school certificate (*certificat de fin d'études du premier cycle de l'enseignement fondamental*) was l ted in 2010, introducing from the seventh grade a trimestral progression of tests until the completion of basic education. In India, pursuant to the Act on the Right of Children to

[14] See conclusions of the Experts' Consultation (ED/BAS/RVE/2009/PI/1).
[15] ISCED 2011, para. 82.
[16] Ibid., para. 145.

Free and Compulsory Education 2009, the annual examination system at the end of each year of schooling has been abolished and no student can be held back from progressing during the entire duration of the eight years of elementary education. The comprehensive and continuous evaluation mandated by the Act is still being devised.[17]

35. A positive example on how to address this can be found in Spain. A new Education Law has made it mandatory to assess educational attainment by a general examination at the end of (i) primary school, (ii) secondary compulsory education and (iii) the baccalaureate. According to article 21 of the Law, students finishing primary school are required to undergo a test to examine their knowledge and the skills and competences acquired.

36. Another example is furnished by France, where national programmes of education fixed by the State are mandatory for both public and private schools. Students are evaluated twice a year during the elementary education cycle to assess whether a pedagogic programme with a common base has been implemented and to mobilize additional support for students in need. Those evaluations help to identify any follow-up needed for student learning in accordance with a common curricular base.

B. Regional and international assessment mechanisms

37. An analysis of prevalent international and regional assessment systems shows their narrow scope and that they generally do not adequately incorporate a human rights-based approach. The Programme for International Student Assessment of the Organization for Economic Cooperation and Development (OECD) is a well-known triennial survey, testing the performance of 15 year-old students in reading and mathematical and scientific literacy, benchmarking a country's performance against that of other participating countries. The objective of the Trends in International Mathematics and Science Study is an even narrower method for assessing skills in mathematics. Similarly, the Progress in International Reading Literacy Study is limited to literacy assessment. The Latin American Laboratory for Assessment of the Quality of Education, a network of national education quality assessment directors, produces studies that reflect the state of quality education and also contributes to the development of education assessment capacities in the region. However, the third regional comparative and explanatory study, conducted in 2013 on the learning achievement in the region, is narrowly aimed at assessing learning performance in the third and sixth grades in mathematics, reading and writing, including natural sciences for the sixth grade.

38. Some international evaluation systems do go beyond mere performance evaluation in mathematical literacy and language skills. The Programme d'analyse des systèmes éducatifs des pays de la Conférence des Ministres de l'Education des États et gouvernements de la Francophonie conducts a comparative evaluation of the international assessment of students and has a broader conceptual approach. This comprises a wide range of quality parameters agreed upon by public authorities. Similarly, the national reports resulting from the Southern and Eastern Africa Consortium for the Measurement of Education Quality also relate to the monitoring and evaluation of conditions of schooling and the quality of education, as described in national Consortium reports. States should make a greater effort to look to these examples when developing national evaluation mechanisms.

[17] Government of India, Twelfth Five Year Plan 2012–2017, vol. III, Social Sectors (Sage Publications, 2013), p. 55.

C. Repercussions of international assessment mechanisms in developing nations

39. In creating their national assessment mechanisms, many developing countries emulate the OECD approach, even though their development requirements vary from those of developed countries. Several countries have been developing national assessment systems following international and regional assessments, which focus primarily on assessing mathematical literacy and language skills, sometimes described as learning outcomes, and thereby exclude all else which is learned[18]. They are often based on a random survey methodology, with a ranking of countries, and do not adequately depict the education profile of a country in full measure. The privileging of learning outcomes in the discussion about education quality leads to a narrow conception of quality, neglecting the process of teaching and learning and the essential inputs for assuring quality and it separates quality from equity.[19]

40. Most international and regional assessments generally evaluate the basic knowledge and skill levels acquired by students in three curricular areas: language, mathematics and sciences. They are "summative assessments, mainly for stakeholders external to the school,"[20] which are ill-equipped to support the developmental needs of students from diverse backgrounds effectively and may serve to undermine reforms meant to enhance the inclusive nature of basic education. Moreover, they have little direct impact on a child's progress in the educational system or in life, as demonstrated by a UNESCO International Bureau of Education study: "By virtue of their particular accounts of learning, especially among younger students, standardized assessments may contribute to undermining the quality of teacher-student interactions and distorting curricular reforms. The IBE believes that the balance of assessments should emphasize to a greater extent teacher-designed, classroom-based formative assessments aimed at improving teaching and learning processes."[21]

41. International assessment mechanisms, with their lopsided focus on learning outcomes, neglect a human rights-based approach.[22] Such a narrowly construed approach is being considered even in the context of discussions on education in the post-2015 development agenda. The Education for All global monitoring report for 2013–14 states that "it is vital for a global post-2015 goal to be set which will monitor whether, by 2030, all children and youth, regardless of their circumstances, acquire foundation skills in reading, writing and mathematics."[23]

42. Another notable limitation of international assessment systems is the scant attention paid to the role of education in promoting sustainable development - even when this area is

[18] For an analysis of national learning assessments as a common feature of national education systems around the world, see Aaron Benavot and Erin Tanner, background paper "The growth of national learning assessments in the world 1995-2006", UNESCO (ED/EFA/MRT/PI/16).

[19] For a scholarly analysis of the issues involved, see the concept note for the technical meeting on advocacy strategy development of the Commonwealth Ministerial Working Group on the Post-2015 Development Framework for Education, September 2013, available from www.adeanet.org/portalv2/en/system/files/post-2015_working_group_technical_meeting_report.pdf.

[20] International Experts' Meeting on key curricular and learning issues in the post-2015 education and development agenda, Geneva, September 2013, statement, available from http://www.ibe.unesco.org/fileadmin/user_upload/Publications/UNESCO-IBE_Statement_on_Learning_Post-2015_eng.pdf.

[21] Ibid.

[22] See Right to Education Project, "Learning outcomes assessment: a human rights perspective", February 2013.

[23] Education for All global monitoring report, "Teaching and learning: achieving quality for all" (UNESCO Publishing 2014), p.6.

receiving priority consideration in the international community. Similarly, certain key concepts, such as learning to live together and respect for the richness of cultural diversity as the common heritage of humankind, have received little consideration, whereas they should be central to assessing the national educational attainments of students. Indeed, there is a lack of reference and attention to the normative provisions contained in the resolutions adopted by the General Assembly. A glaring instance of this is the scant reference in education assessment mechanisms to the notions and concepts embodied in the outcome document of the United Nations Conference on Sustainable Development entitled "The future we want".[24]

43. Reading, writing and mathematics are not a complete indication of all learning achievements, and even less of what has been learned by a child. The trend of placing too much emphasis on learning achievements is to the detriment of the humanistic mission of education and must be reversed. The prevalent international assessments of the performance of students are premised upon a rather instrumental role of education, driven by the concept of development in mere economic terms. They do not reflect universally recognized values of human rights. There is a lopsided focus on learning outcomes, with an "input-output" model, as if there is an analogy between schools and factories[25] and as if what matters is the material value of education in the narrow sense of economic development devoid of any humanistic values.

V. Developing national assessment systems: current evolutions

44. Many countries have adopted assessment systems which are national and which broaden the scope of the educational assessment of students. They demonstrate how assessment systems can be developed to evaluate educational attainments, going beyond a narrow approach limited to mathematical literacy and language skills.

45. For example, in Brazil, recognition is given to the nationwide assessment of student performance, along with the Development Plan for Education (July 2011). The basic education assessment system is based on the national examination system, with a single quality indicator: the basic education development index, expressed on a 0–10 scale. The achievement and performance of students are assessed at 4th/5th grade (basic education), 8th/9th grade (final year of compulsory education) and 11th/12th grade (final year of secondary education) in both public and private schools. The assessment focuses on creative activities and education and on the development of the skills and abilities required for the full exercise of citizenship.

46. In South Africa, a 10-level framework with descriptors on learning achievements for each level has been developed according to the provisions of the National Qualifications Framework Act No. 67 of 2008 by the South African Qualifications Authority in order to support the design and implementation of qualifications within the national qualifications framework and facilitate evaluation criteria for comparability. In Bulgaria, based on the State educational requirements, educational evaluation is carried out during the cycle of primary and secondary school education, including vocational training and professional education, through regular school tests and examinations, with a qualitative and quantitative index applied to grades having.

47. The concept of the quality of education in China centres around the holistic development of morals, intellect, physical strength and aesthetic aptitude, and increasing attention is being paid to nurturing practical abilities and creativity, as outlined in the 2001

[24] General Assembly resolution 66/288, annex.

[25] See Education for All global monitoring report, "Education for all: the quality imperative" (UNESCO publishing 2004), p. 228.

comprehensive curriculum reform guidelines. Established in 2007, the National Centre for Basic Education Quality Assessment plays a leading role in developing and supporting the conduct of education assessments in China. It is in the process of setting up a national education quality assessment system to consider those broader criteria.

48. In Qatar, annual student evaluations from the 4th to the 12th grade have been conducted since 2003 by the Supreme Education Council. A graded system was introduced in 2011 in the annual test, with a minimum pass requirement of 30 per cent of total marks. The Supreme Education Council has started to put more focus on this by providing training courses for teachers and displaying model tests on its site, thus providing school principals and teachers with plans and strategies for the quality of teaching to match the level of the national tests. Moreover, the results of the national tests are taken into consideration for evaluating and improving school performance.

49. Education is evaluated locally, regionally and nationally in Finland. The activities of education providers are guided by objectives laid down in legislation and in the national core curricula and qualification requirements. The system relies on the proficiency of teachers and other personnel. National evaluations are done annually, with arts and crafts evaluated alongside academic subjects, aiming to follow at the national level how well the objectives of the national core curricula and qualification requirements are being met locally.

50. In Kenya, under Article 64 (1) of the Basic Education Act of 2013 the Education Standards and Quality Assurance Council was established to ensure standards and to maintain quality by monitoring the conduct of assessments and examinations in institutions of basic education. The Act lays down a national qualifications framework (article 68 (1)) which will be developed in collaboration with the relevant stakeholders to set standards and benchmarks for qualifications and competencies, and provides for the recognition of the attainment of competencies, including skills, knowledge, attitudes and values. Article 74 of the Act provides for a Kenya Institute of Curriculum Development, whose mandate is to include curriculum development for basic education.

51. As part of fundamental reforms of the education system, undertaken since the beginning of 2013 in Mexico and premised on education as a fundamental right, articles 3 and 73 of the constitution were amended, strengthening the National Institute for the Evaluation of Education. With full autonomy as a constitutional body, it has a mandate to evaluate the quality of teaching professionally, with both teachers and government authorities sharing that responsibility. On 13 August 2013, the Law on the National Institute for the Evaluation of Education as well as the General Law on Professional Teaching Service were amended to improve them as performance assessment instruments for achieving free, equitable, quality public education as a legal responsibility, as well as an ethical obligation of the Government.

52. In a drive towards improving standards and quality, in 2013, Seychelles developed a national assessment framework to foster the holistic development of children to enable them to acquire the knowledge, skills, competences and attitudes necessary in today's world. With an emphasis on "acceptable professional standards" of quality, the framework provides that "Assessments shall be conducted in accordance with regulations at the end of each key stage of primary and secondary schooling to evaluate the performance of students in relation to the targets of the national curriculum."[26]

53. In order to improve the teaching and learning provided by the national education system, the evaluation of student performance in Ecuador aims, through the application of various assessment instruments, to evaluate the attitudes and skills of the student, i.e. an

[26] Ministry of Education of Seychelles, "The National Assessment Framework : supporting a new vision for learning" (2013), p. 4.

assessment of the knowledge, skills and values developed as a result of the educational process and their application in everyday life. The evaluation of education enables the Government to track the quality of education and to identify strategies to make improvements.

54. In Namibia, competencies, and core skills and key learning areas were identified in relation to the Namibia Vision 2030 as a national curriculum for basic education for the continual assessment of progress and achievements in the 5th and 8th grades, using nationally standardized assessments and national examinations. "Both school-based assessments and end-of-year examinations assess the knowledge, skills and understandings specified in the subject syllabuses."[27]

55. In all such national measures, greater focus on a human-rights based approach, as already mentioned, is important, keeping in view the right to education in its full expression.

VI. Assessing technical and vocational education and training

56. As described by the Special Rapporteur in his previous report (A/67/310), technical and vocational education and training (TVET) is an integral part of the right to basic education at the secondary level. Educational institutions must be supported to develop quality innovative programmes, including technical and vocational training and lifelong learning, geared to bridging skills gaps in order to advance sustainable development objectives.[28] In fact, skills development through TVET has emerged as a leading concern in improving the quality of education in an increasingly globalized economy. Such training has profound implications in the twenty-first century for radically different knowledge-based economies and societies.[29] This is all the more important in view of the need to better promote the skills required by the emerging "green economy", requiring novel means to assess competencies and skills in "green technology".

57. However, development programmes for technical and vocational education and training and skills have not been adequately addressed in the most common international or regional assessments. National assessment mechanisms for those programmes must better evaluate how well they empower students to acquire the necessary competencies for the development requirements of their country, while still meeting the broader human rights-based objectives. Existing normative frameworks for TVET provide the basis for developing national assessments to appraise the acquisition of those competencies and skills by students. The UNESCO Revised Recommendation concerning Technical and Vocational Education (2001) stipulates that member States should aim to apply relevant and appropriate internationally recommended standards and norms relating to systems of assessment or evaluation; occupational qualifications and certification; and equipment and technical standards. The Recommendation also underlines the importance of the exchange of good practices and methods. Similarly, International Labour Organization (ILO) Recommendation No. 195 (2004) concerning Human Resources Development: Education, Training and Lifelong Learning stipulates that measures should be adopted, in consultation with social partners and using a national qualifications framework, to promote the development, implementation and financing of a transparent mechanism for the assessment, certification and recognition of skills, including prior learning and previous experience,

[27] Ministry of Basic Education and Culture, Namibia, "Towards improving continuous assessment in schools: a policy and information guide" (1999), p. 36.

[28] See General Assembly resolution 66/288, annex, para. 235.

[29] See, for instance, the recommendations in the Montego Bay Declaration on Technical Vocational Education and Training in the Caribbean, available from http://www.soeconferences.com/tvet/montego-bay-declaration-tvet-caribbean.

irrespective of the countries where they were acquired and whether acquired formally or informally. Moreover, the Committee on Economic, Social and Cultural Rights requires States in their reporting to indicate the measures taken to increase the availability of TVET programmes and whether they enable students to acquire knowledge and skills which contribute to their personal development, self-reliance and employability (HRI/GEN/2/Rev.6, section II, para. 60).

A. Towards a new and unique approach

58. National assessment mechanisms for TVET programmes require a new and unique assessment mechanism to reflect how they differ from traditional academic programmes. TVET programmes involve private-public partnerships under the overall responsibility of Governments and institutionalized collaboration between TVET institutions and enterprises. A dual system of vocational training where students in vocational streams also undergo practical learning and training in enterprises is well organized in some developed countries and is a useful example for the developing world to draw upon for devising innovative policies and approaches.

59. Governments, enterprises and TVET institutions must thus be collectively involved in defining the vocational trades and in developing assessment mechanisms of the attainments of students as part of a tripartite system. This is indispensable for ensuring that TVET graduates are responsive to ever-changing national and private sector employment requirements, with the State also ensuring that TVET programmes and the assessments of them are supplemented by a broader human rights-based education.

B. Qualification frameworks for skills and competencies, including recognition of skills in the informal sector

60. In an endeavour to transform technical and vocational education and training, novel approaches are emerging to assess TVET programmes. For example, countries in Latin America have adopted a competency-based approach, such as the Occupational Competency Standardization and Certification Council in Mexico and the National Service of Learning (Servicio Nacional de Aprendizaje) in Colombia. Similarly, the National Programme for the integration between professional and basic education for young people and adults (PROEJA), established in 2006 in Brazil, is aimed at providing technical and vocational education and training at the basic and secondary education levels, as well as providing continuing technical education for young adults.

61. The emerging concept of technical and vocational skills development in Africa calls for novel mechanisms in the form of national qualification frameworks. In South Africa, the national qualifications framework provides a mechanism for awarding qualifications based on the attainment of specified learning skills prescribed by industry. It allows for the accumulation of credits and for the recognition of prior learning. Similarly, the Mauritius Education and Human Resource Strategy Plan 2008–2020 recognizes the need for creative learning – the acquisition of skills and competencies that unlock the human potential – as a paramount necessity since education is one of the cardinal drivers of economic growth, including a quality assurance system. Accordingly, a qualifications authority in the TVET sector has been established.

62. The Special Rapporteur considers that it is important for each country to develop a national framework of certification, recognizing and validating various modes of the acquisition of skills in a coherent and unified system. The recognition of prior learning, as expressed in ILO Recommendation No. 195, can help to bridge the divide between formal and informal technical and vocational skills development systems by providing mechanisms and opportunities for the recognition and validation of experiential learning. It

is also necessary to ensure that the assessment mechanisms for TVET are founded on competence-based training, not only on theory-based certification.[30]

63. Quality standards can set minimum skill requirements for graduate apprentices, with monitoring mechanisms to ensure they meet those standards. It is also necessary to improve the linkages between informal apprenticeships and formal education and training, in particular regarding the role of skills development in national policies and laws.[31]

64. In developing national qualification frameworks and assessing competencies, it is crucial to ensure that they are not limited to technical competencies in TVET, but also include critical thinking and are not devoid of a human rights perspective.

65. Finally, national assessment systems for TVET can be used as leverage in valorizing social perceptions of TVET and their status, since they do not enjoy the esteem that would be commensurate with their importance for development. Instituting national awards in conjunction with an assessment of performance in TVET is an important step in that direction. The practice of rewarding TVET students in China is a good example.

VII. Human rights-based assessment modalities and some areas of special concern

66. It is up to States to adopt national assessment mechanisms which ensure that their education systems are in conformity with human rights law, including but not limited to those relating to the right to education.

67. National assessment systems should evaluate how human rights values and knowledge have been acquired by students. Performance tests should be devised to assess the extent to which students have incorporated those values into their understanding, commitment and day-to-day behaviour patterns. This constitutes a response to rising levels of violence in many schools, a phenomenon which deserves consideration in assessing school-based evaluations.

A. The key role of teachers

68. It is the teacher who conveys the national curricula to students and assesses their performance. Teachers should be able to develop in children a love of learning. They should be able to kindle in children and adults the capacity for critical thinking, as well as nurturing in them ethical and moral values. Four pillars of education - learning to know, learning to do, learning to live together and learning to be – propounded by the Delors Report - are central to the teaching-learning process.

69. The quality of teaching and learning at the basic education level is an important factor in national assessment. Teachers are also key to linking assessments to improved learning. Moreover, they play a valuable role in accomplishing the humanistic mission of education.

70. The UNESCO Recommendation Concerning the Status of Teachers, adopted by the Special Intergovernmental Conference on the Status of Teachers in 1966, lays down a

[30] For instance, the traditional diplomas for vocational education in India, as awarded in the industrial training institutes, have in recent times been challenged for their lack of direct correlation to the contemporary needs of industry and the economy.

[31] See, for instance, ILO, "Upgrading informal apprenticeship: a resource guide for Africa" (Geneva, 2012), p.82, available from http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_171393.pdf.

comprehensive normative framework on the teaching profession. It also recognizes the essential role of teachers in educational advancement. It applies to all teachers in both private and public schools and provides guidance on a diverse range of matters, including the roles and responsibilities of teachers.

71. Teacher training programmes must emphasize not just pedagogical skills, but also the assessments of students. Innovative programmes for revamping teacher education and development are necessary to devise novel modalities of teacher training in tandem with reforms in education. In France, for example, teacher evaluation, including a questionnaire, is also part of the student learning process. In-service training for teachers is a permanent requirement, not only to improve their qualifications or to keep them up to date with the latest teaching practices, but also to ensure their assessment skills are kept up to date. The need for "standard[s] frameworks, which could be applied nationally and regionally"[32] has been underlined.

72. A student-centred system of education and evaluation would include a detailed assessment record of each student's progress through the curriculum. While not all students progress at the same rate, a personalized assessment allows teachers, teaching assistants or even student mentors in a higher grade to provide support so that each student completes each module in the curriculum without suffering from the social stigma associated with being held back.

B. Periodically updating the curricula

73. Universally recognized human rights values and democratic principles should be embedded in any education system, and incorporated into national curricula for basic education. It is important for public authorities to review their national curriculum periodically in order to respond to emerging requirements. It is also necessary to ensure that textbooks in all schools – private or public – and the contents of the curricula are in conformity with the values and objectives of education laid down in international human rights conventions and expounded by the work of the human rights treaty bodies. Moreover, curricula and the contents of education must keep pace with global concerns with new ethics for our common humanity.

C. Aptitude testing

74. The aptitude of students should be given serious consideration in assessing their attainments. The evaluation of the abilities and aptitudes of children in consultation with parents and teachers can be useful in enabling them to realize their potential, leading to better attainments. In Lithuania, for example, evaluation in primary and basic education is driven by the concept of the assessment of pupils' achievement and progress, encouraging positive personal features and creativity and improving personal achievements. The main idea is assessment for learning, not assessment of learning.

75. In this context, the State of Gujarat in India is exemplary in taking steps towards abolishing the conventional "character" certificate, systematically delivered to all students at the end of primary or secondary education, and replacing it with an "aptitude" certificate, which shows the aptitude of students as appraised by teachers, parents and students themselves, allowing them to pursue secondary or higher education. This has the inherent advantage of motivating students to pursue studies based on their aptitude.

[32] See Mauritius communiqué, 18th Conference of Commonwealth Education Ministers, available from http://secretariat.thecommonwealth.org/document/249627/18ccemcommunique.htm.

76. Aptitude tests and counselling are even more important for skills development. National assessment mechanisms should be coupled with "career guidance systems to assist learners in choosing appropriate pathways, including by the provision of up-to-date labour market information and self-assessment tools to identify aptitudes and interests and promote the acquisition of career management skills."[33]

VIII. Private providers of education

77. Exploding demand for education has led to an exponential growth in the number of education providers. A comprehensive and sound regulatory framework for controlling private schools and ensuring their conformity with norms and standards is required. To preserve the public interest in education, effective sanctions in cases of abusive practices by private providers are necessary. Each State must organize a system of prior authorization, successive monitoring and verification, in order to ensure that private schools respect the content and objectives of education, thus enabling the State, in turn, to respect its international commitments in that regard. In those States where basic education is also provided by private schools, the State should ensure that such schools fully respect the objectives and content of education.

78. In this context, it is important to note that, whereas parents and guardians are at liberty to choose private schools for their children, pursuant to article 13 (3) and (4) of the International Covenant on Economic, Social and Cultural Rights, education in such schools must conform to the educational objectives set out in article 13 (1) of the Covenant and "such minimum educational standards as may be laid down or approved by the State". Those minimum standards may relate to issues such as admission, curricula and the recognition of certificates. In their turn, those standards must be consistent with the educational objectives set out in article 13 (1).[34]

IX. Conclusions

79. **Commitments made by the international community to the realization of the right to basic education are well known. A major constraint emanates from the non-fulfilment by States of their obligations. Whether States have fulfilled their obligations for the right to education is dependent not just upon how many years of schooling children have attended, but also upon whether what they have learned has empowered them in their lives. That is shown by assessing the educational achievements of students against a national curriculum which is consistent with the objectives of the right to education. Comprehensive national assessment mechanisms must be recognized as valuable tools for students, schools as well as for States. Those assessments ensure that the achievements of each student are tracked and, where necessary, improved. Nationally, they enable States to adjust their curriculum, teacher training and education systems more broadly to ensure that the right to education is achieved in the fullest sense.**

80. **Prevalent international assessments of the performance of students reflect an instrumental role for education, driven by the concept of educational development in mere economic terms, with excessive emphasis placed on learning outcomes in**

[33] See "Shanghai Consensus: recommendations of the Third International Congress on Technical and Vocational Education and Training", 13 to 16 May 2012, available from www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/pdf/outcomesdocumentFinalwithlogo.pdf.

[34] See general comment No. 13 (1999) of the Committee on Economic, Social and Cultural Rights on the right to education (article 13).

mathematical literacy and language skills. The Special Rapporteur considers that such a narrow approach is detrimental to the humanistic mission of education and undermines the essential objectives assigned to education in international human rights conventions. International assessments also affect national assessment systems, thus perpetuating such a narrow approach. A paradigm shift is necessary to make assessment systems more broadly based so that they embody in full measure the essential objectives of the right to education, in accordance with human rights law, and are premised upon a human rights-based holistic approach.

81. In that spirit, the national assessment systems of the educational attainments of students in basic education need to be revamped and developed so as to demonstrate that every child completes at least a primary education of good quality, in line with the core obligation of States, and is given access to good quality secondary education, with technical and vocational education and training (TVET) as an integral component. Assessment mechanisms for TVET-led skills development deserve greater consideration in evaluating how TVET programmes empower their beneficiaries to acquire the necessary competencies and skills which respond to a the development requirements of a country, while also recognizing the importance of a human rights perspective.

82. Teachers are vital to the implementation of the national curricula and in conducting assessments of the educational attainments of students. Teacher training programmes need to be reinforced to enhance not just the pedagogical capacities of teachers, but also their ability to assess the educational attainments of students.

83. It is also important to initiate a public debate on the educational attainments of students and to foster education systems which embody the spirit of human values and human dignity. Education must not lead students merely to be immersed in materialistic values and pursuits in life, devoid of the values of human rights and of solidarity and mutual understanding and respect for each other's culture. It must also prepare children for the responsibilities of freedom in keeping with the institutional mandates of UNESCO and UNICEF. The intellectual community, civil society organizations and particularly parliamentarians, as lawmakers and public figures, can make a significant contribution in this respect.

84. The work of the human rights treaty bodies and the United Nations agencies can be valuable in raising the importance of national assessments of the educational attainments of students that encompass a human rights-based approach to education.

85. The Special Rapporteur would like to state that the realization of the right to basic education of quality for all, including skills development, deserves a central place in the post-2015 development agenda. From that perspective, national assessments of the educational attainments of students would need to evolve with a future-oriented perspective, in order to meet the key challenges of achieving such universal goals for education as may be agreed to in future development agendas. Education systems, including national assessments, will need to be kept abreast of such developments, bearing in mind the resolve of the international community in reaffirming its commitments to the right to education and to "full access to quality education at all levels" as an "essential condition for achieving sustainable development".[35]

[35] See General Assembly resolution 66/288, annex, paras. 229 and 233.

X. Recommendations

A. Recommendations to States

86. **Regarding the adoption of a human rights-based framework, the Special Rapporteur recommends that:**

- **States move towards a more holistic approach in assessing student attainments which goes beyond reading, writing and arithmetic and which incorporates essential human rights objectives. The four pillars of the Delors Report – learning to know, learning to do, learning to be and learning to live together – should become an integral part of any assessment of the educational attainments of students. Moreover, national assessment mechanisms must be in compliance with a country's international human rights obligations;**

- **States ensure that national assessments of the educational attainments of students are founded on a human-rights based approach, where the right to education remains at centre stage.**

87. **Regarding the development of a holistic approach to the assessment of the educational attainments of students, the Special Rapporteur recommends that:**

- **States recognize the need and the importance of a holistic approach, with the full range of obligations arising from the right to education, in assessing the educational attainments of students. Such assessments should centre around the core objectives of education, as established by international human rights conventions;**

- **Public authorities and school administrators ensure that the assessment of the educational attainments of students includes their understanding of universal human rights values and respect for people from different civilizations, cultures and religions. Student performance tests should demonstrate the extent to which students have incorporated human rights values in their understanding, commitments and day-to-day behaviour patterns.**

88. **Regarding periodic reviews of national curricula, the Special Rapporteur recommends that:**

- **Governments periodically review their national curriculum to ensure that its contents are updated and in conformity with the values and objectives of education laid down in international human rights conventions and as expounded by the United Nations treaty bodies and relevant agencies.**

89. **Regarding equity-based approaches to assessments of the entire student population, the Special Rapporteur recommends that:**

- **National assessments appraise the educational attainments of the entire student population in a country, assessing all students uniformly. An equity-based approach should be an essential prerequisite, so that all those students who are found to be underperforming are given the necessary support needed for them to meet the educational requirements. Student assessments must address with great concern the situation of underperforming students, particularly those who are disadvantaged on account of marginalization. Early targeted teaching support to them is most effective and should be prioritized over later interventions.**

90. **In relation to assessing progression from primary to secondary education, the Special Rapporteur recommends that:**

- **States comply fully with their core obligation of providing free, compulsory primary education of good quality to every child, boys and girls alike. Completion of good quality primary education should be a predominant concern in the national**

assessment of basic education, with no automatic progression from primary to secondary education. This can only be verified through assessments prior to progression to secondary education, with "recognized qualification" at the end of primary education cycle. Public authorities should ensure the maintenance of quality standards throughout the cycle of basic education in a sustained manner.

91. Regarding the development of novel assessment mechanisms for skills development, the Special Rapporteur recommends that:

- While recognizing the importance of national assessment mechanisms for TVET programmes, Governments should develop new and unique assessment mechanisms within a framework of institutionalized collaboration with industry for assessing competencies and skills in terms of technical qualifications that are relevant to a country's development priorities. TVET programmes, particularly in early secondary levels, must be made complementary to the standard education curriculum and not as a separate stream. The aptitude of students should be central to those new assessment systems, offering them the possibility of pathways to higher education.

92. In relation to refining assessment mechanisms, the Special Rapporteur recommends that :

- Public authorities ensure that the basic education which is provided is of good quality, as proven by an appropriate national assessment mechanism, conducted annually or on a semester system. While school examination and tests constitute necessary mechanisms for assessing the educational attainments of students, Governments should devise innovative modalities, appropriate to the capacities of the State, to evaluate the knowledge and understanding of students of all the subjects taught, including human rights values.

93. Regarding the development of the capacity of the teaching profession for the holistic assessment of basic education, the Special Rapporteur recommends that:

- Recognizing that teachers play a key role in the implementation of the national curricula and in conducting assessments of the educational attainments of students, Governments should ensure that teachers are provided with the additional training and support to better understand and implement a human rights-based curriculum in an accessible fashion for their students. Novel modalities of teacher training in tandem with reforms in education should be devised to foster quality education and learning.

94. In relation to strengthening national assessment mechanisms with parliamentarians, the Special Rapporteur recommends that:

- Given their leadership role, parliamentarians should take up the cause of education, leading the processes aimed at giving effect to the right to education and strengthening national assessment mechanisms to that effect. They can thus contribute to promoting the educational attainments of students.

95. In relation to encouraging and supporting civil society organizations and NGOs, the Special Rapporteur recommends that:

- Governments encourage NGOs and civil society organizations in their valuable role in raising the level of the public debate on key issues and in defending a holistic approach to student assessments. As such, the public authorities should maintain a constructive dialogue with NGOs and civil society organizations.

96. In regard to the promotion of studies on national assessments, the Special Rapporteur recommends that:

- As research and studies on national assessments are scant as compared to those on international or regional assessment systems, reflections and studies on

national assessments of the educational attainments of students in education faculties and among professional bodies should be promoted, so as to make existing national assessment mechanisms and country-level experience better known. That would also benefit policymaking authorities in improving assessment mechanisms;

- States continue to champion the cause of quality education in the formulation of the post-2015 development agenda. Enhancing educational attainments for the benefit of both the individual and society should be a central concern in any future agenda, with a reinforced commitment by the international community in appreciation of the pivotal role of the right to education for human development.

B. Engaging Governments more responsively through the work of the human rights treaty bodies and the United Nations agencies

97. The Special Rapporteur would like to make the following recommendations to United Nations and intergovernmental bodies:

- Within the scope of their respective mandates, when considering the right to education in their dialogue with States, the human rights treaty bodies should accord importance to ensuring that the educational attainments of students are assessed from a broader, human-rights-based approach;

- Within their respective institutional missions, UNESCO and UNICEF should accord the foremost importance to a human rights-based approach to national student assessments in order to prepare children for the "responsibilities of freedom". They should accordingly encourage and support Governments in their endeavours to that effect, providing the necessary technical assistance and advisory services;

- Similarly, ILO and the United Nations Industrial Development Organization have special roles and responsibilities in the area of skills development, and should reinforce their activities in technical assistance for assessment of new areas of technical knowledge and competencies, while improving linkages between informal apprenticeship and formal vocational education and training. Recognition of the qualifications of students who have undertaken technical and vocational education and training should include graduate apprentices in rural economies and the informal sector;

- The United Nations agencies should take a coordinated interest in assisting in the development of educational assessment systems that meet international human rights standards and which are also conducive to skills development as part of quality imperatives.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on the right to education, Kishore Singh

Addendum

Mission to Seychelles* **

Summary

The Special Rapporteur on the right to education undertook an official mission to Seychelles from 15 to 22 October 2013. The present report presents the findings of his mission and the situation of the right to education in Seychelles. The Special Rapporteur welcomes progress made by Seychelles in education in recent years, including the increasing access of boys and girls to primary and secondary education, and measures to improve the quality of education.

As a result of the efforts made, a basic education of 10 years is free and compulsory. Non-formal and formal childhood care (day care and crèche education) is available for the first five years of childhood. The establishment of the University of Seychelles in 2009 is indicative of the high importance placed on promoting tertiary education.

* The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission only.

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The education system in Seychelles has followed an exemplary path for a small island developing State of limited means. Policy measures and reforms have made it possible for Seychelles to meet the education-related Millennium Development Goals well before 2015. Seychelles must now continue to take measures to improve the quality of the education system, focusing on: improving the professional status of and social regard for the teaching profession; improving technical and vocational education and training; meeting social challenges, including promoting personal and social education in the face of social and behavioural problems among students; and intensifying normative action to respond to the imperatives of improving quality. Finally, as Seychelles continues to enjoy rapid economic development, its education system will need to adapt to ensure students are graduating with the necessary skills to meaningfully participate in a modernizing economy, and respond to the requirements of the "Blue Economy".

Annex

[English only]

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I. Introduction

1. The Special Rapporteur on the right to education, Kishore Singh, carried out an official visit to Seychelles from 15 to 22 October 2013, at the invitation of the Government.

2. The Special Rapporteur wishes to extend his deep gratitude to President James Michel and the Vice-President Danny Faure, for taking the time to meet with him and engage in a dialogue on the right to education.

3. During his visit, the Special Rapporteur met with: Jean-Paul Adam, Minister for Foreign Affairs; Pierre Laporte, Minister of Finance, Trade and Investment; Idith Alexander, Minister for Employment and Human Resources Development; Vincent Meriton, Designated Minister for Community Development, Social Affairs and Sports; Rolph Payet, Minister of Environment and Energy; and senior officials at the Ministry of Education and the Ministry of Health. He also met with parliamentarians, the Ombudsman and the Chairperson of the National Human Rights Commission.

4. The Special Rapporteur had the opportunity to visit a number of public and private educational institutions, including pre-primary, primary and secondary schools, as well as a technical post-secondary education institutions and the University of Seychelles. He also discussed questions related to education with the administration, management, teachers and students of these institutions on Mahé Island. He met with several representatives from the international community and civil society, including from the United Nations Development Programme (UNDP), a student council and numerous civil society organizations.

5. The Special Rapporteur expresses his gratitude to the Government of Seychelles for its invitation and the full cooperation throughout his mission. He also extends his thanks to UNDP in Seychelles and all those who took time to meet with him and share their experiences in the field of education.

General overview

6. Seychelles is a small island developing State, situated in the western Indian Ocean, consisting of a number of island groups. The three largest islands —— Mahé, Praslin and La Digue —— are all connected by air and a rapid ferry service. Seychelles has a very small population of 90,945[1] mostly concentrated on Mahé, where 88 per cent of the population lives. Another 10 per cent lives on Praslin and La Digue, while the remaining 2 per cent is scattered over the other islands. On Mahé, 40 per cent of the population is located between Victoria, the capital and Seychelles International Airport, a belt of 7 square kilometres. This is the area in which most of the administrative and industrial activities take place.

7. A remarkable fact about Seychelles as a country with a multi-ethnic population is that it is multilingual: almost everyone speaks French and English. The population of Seychelles also speaks a local form of Creole, which is one of the official languages, along with French and English. Creole is the predominant mother tongue.

[1] Seychelles, National Bureau of Statistics, *Population and Housing Census 2010 Report* (Victoria, 2012).

8. According to the UNDP Human Development Index, Seychelles ranks forty-sixth worldwide for human development, with a rating of 0.806 (2013) —— the highest in Africa.[2]

9. Before analysing the education system and the legal framework for the right to education, it is important to highlight international human rights standards and the importance Seychelles attaches to international legal obligations for the right to education.

II. International human rights standards

10. Seychelles is party to many international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child (both containing comprehensive provisions on the right to education). These instruments place an obligation on the State to take all the necessary steps to protect, promote and fulfil the right to education for all persons in its territory, without discrimination. At the regional level, Seychelles has ratified the African Charter on Human and Peoples' Rights, but has not yet ratified the protocol thereto which establishes the African Court of Human Rights.

11. It is commendable that international human rights law occupies an eminent place in Seychelles. Article 48 of the Constitution of Seychelles (1993) provides that the Constitution shall be interpreted in accordance with its international obligations and directs the courts to take judicial note of:

(a) The international instruments containing these obligations;

(b) The reports and expression of views of bodies administering or enforcing these instruments;

(c) The reports, decisions or opinions of international and regional institutions administering or enforcing Conventions on human rights and freedoms; and

(d) The constitutions of other democratic States or nations and decisions of the courts of the States or nations in respect of their constitutions.

III. Domestic legal framework for the right to education

12. The Constitution of Seychelles contains elaborate provisions on the right to education. Article 33 of the Constitution establishes the right of every citizen to education. With a view to ensuring the effective realization of this right, the State has undertaken:

(a) To provide compulsory education, which shall be free in State schools, for such minimum period, which shall not be less than 10 years, as may be prescribed by law;

(b) To ensure that the educational programmes in all schools are aimed at the complete development of the person;

(c) To afford, on the basis of intellectual capability, every citizen equal access to educational opportunities and facilities beyond the period of compulsory education;

(d) To allow, subject to such reasonable restrictions, supervision and conditions as are necessary in a democratic society, any person, organization or institution to establish and maintain a private school; and

[2] Seychelles, "National Report: Preparation for the 3rd International Conference on Small Island Developing States to be held in Apia Samoa, 2014" (2013), p. 7.

(e) To respect the right of parents to choose whether to send their children to a State or private school.

13. In addition, article 35 of the Constitution lays down the obligation to promote technical and vocational education and training.

14. The national legal framework on the right to education in Seychelles is comprehensive in covering education at all levels. The Education Act of 2004 provides for 10 years of compulsory primary and secondary education. Subsection (2) of the Act provides for:

(a) The establishment of a comprehensive system of education and training reflecting universal and national values which promote the complete development of the person and equip the person to participate fully in social and economic development;

(b) The establishment of institutions for achieving the goals referred to in subparagraph (a); and

(c) The execution of the education policy of Seychelles.

15. Article 40 of the Education Act provides that "all persons are entitled to receive an educational programme appropriate to their needs in accordance with the Act and regulations made thereunder.

16. The Tertiary Education Act of 2011[3] provides for two types of tertiary education: the university and "professional centres" that provide technical and vocational education and training. It also provides a legal framework for the establishment of the University of Seychelles. The Act describes the governance of both structures and aims to promote increased collaboration between private industry and professional training centres. In accordance with the right to education, the Act obliges learners to adhere to their rights, duties and responsibilities and places an obligation on the Government to improve access to tertiary education. It establishes the Tertiary Education Commission to advise the Minister for Education and coordinate the sustainable development of tertiary education at the national level.

17. The Seychelles Framework for Early Childhood Care and Education[4] is a policy document that regulates the provision of three years of free, non-mandatory pre-primary care (crèche education). Although not mandatory, most parents take advantage of the crèche system.

18. The Special Rapporteur is appreciative that the legal framework contained in the Constitution and the education laws provides a solid foundation which ensures not just 10 years of free and compulsory primary and secondary education, but also merit-based opportunities for further education, regardless of race, gender or social class. It is indeed encouraging that the Constitution also reflects the values enshrined in article 26 of the Universal Declaration of Human Rights, including through the requirement that education policy be "aimed at the complete development of the person" (art. 33 (b) of the Constitution).

[3] Available from www.sufoundation.sc/Resources/Seychelles_Higher_Education_Act_Draft_1.pdf.

[4] Text of the framework available fromwww.africanchildforum.org/clr/policy%20per%20country/seychelles/seychelles_earlychildhood_2011_en.pdf.

IV. The education system in Seychelles

A. Profile of the education system

19. Public education in Seychelles is comprehensive in terms of an entitlement for all children, without selection either owing to financial consideration or attainment. It is open to all students, regardless of their social or economic status or background. It is also integrated and inclusive, taking students of all religions and backgrounds, and accommodates children with disabilities. Finally, it is co-educational, with boys and girls studying together in schools.

20. The 2004 Education Act creates six stages of education: non-formal early childhood care (day care); formal early childhood education (also referred as crèche); primary education; secondary education; post-secondary or non-university tertiary education and training; and tertiary education. As mentioned above, the first 10 years of primary and secondary education are compulsory, with the final year of secondary open to academically qualified students.

21. The public school system covers all five stages of education. It consists of 34 pre-primary facilities (crèches), 29 primary schools and 12 secondary schools.[5] The schools are on the islands of Mahé, Praslin, La Digue and Silhouette. There are three full-time private schools: L'école Française, the International School and the Independent School.[6] All the private schools are on Mahé, although the International School also has a branch on Praslin. The majority of the student population is concentrated on Mahé (88 per cent) with 8 per cent on Praslin and 4 per cent on La Digue. Secondary schools exist on Mahé, Praslin and La Digue. However, tertiary education opportunities are only available on Mahé.

22. A system of further and higher education is available free of charge to all Seychellois students who meet merit-based selection criteria required by the particular course of study or training for which the student applies. The introduction of a technical and vocational education and training programme into secondary schools, complemented by post-secondary technical post-secondary institutions, is an important programmatic step. Full-time post-secondary education institutions include the Seychelles Institute of Technology, the Seychelles Agricultural and Horticultural Training Centre, the Maritime Training Centre, the Seychelles Tourism Academy, the National Institute of Health and Social Studies, the School of Visual Arts, the School of Business Studies and the Seychelles Institute of Teacher Education.

23. The University of Seychelles, established in 2009, provides degree-level programmes in cooperation with the University of London in the fields of the sciences, arts and humanities and the social sciences. In addition, approximately 100 students annually receive scholarships based on academic merit to study at universities abroad. The creation of the University of Seychelles within the framework of the Constitutional provisions on higher education and the Tertiary Education Act of 2011 endows it with a firm legal foundation. The Constitution recognizes that every citizen must be afforded access with equal opportunities to post-secondary education, based on intellectual ability.

24. The overall school education profile depicted in the latest official data shows the need for expansion of the technical post-secondary schools system. In 2013, there were

[5] Seychelles, National Bureau of Statistics, "Seychelles in Figures" (Victoria, 2013), p. 12.

[6] In addition to the three full-time private schools, there are number of privately owned and operated schools covering certain stages of education. In 2013, nine such institutions were registered with Ministry of Education, operating either on a full-time or part-time basis.

2,883 pre-school pupils, 8,652 primary school students, and 6,627 secondary school students.[7] Technical post-secondary schools enrolled an additional 1,652 students, a decline compared to previous years owing to the merger of the business and education schools into the University of Seychelles.

25. A notable feature of the education system in Seychelles is that it is very heavily staffed by women. Teachers, school administrators and staff at the Ministry of Education are for the most part women.

B. Recent education reforms

26. In 1984, an education policy was designed to address the inequalities of the past, including limited access to education by girls and impoverished families, by providing educational opportunities for all children through the development of a comprehensive education system (CEDAW/C/SYC/1-5, para. 307). In 2000, the policy was revised to promote inclusiveness and equity, which it defined as: (a) equality of access to compulsory education; (b) equitable sharing of resources; (c) creating equal opportunities based on ability; (d) equality between sexes; and (e) assisting special needs learners (ibid., paras. 307–308).

1. Education Reform Action Plan 2009–2010

27. Following a national economic crisis in 2007 and 2008, the Education Reform Action Plan 2009–2010 was launched to address concerns related to the administration of education, including staffing issues. This reform sought to further professionalize the administration of education. Its notable feature was a new wage bill, which increased teachers' salaries by 29 per cent in 2011, in response to high inflation rates in preceding years.[8] Inflation has since been brought under control, but the purchasing power of teachers remains reduced, as the single increase of 29 per cent did not address ongoing price increases.

28. The Plan was developed to address some key priority concerns for education development. The aim was that it achieve five goals:

(a) Provide for the diversity of educational needs and national development;

(b) Guarantee quality education in schools;

(c) Enhance the quality of teaching;

(d) Improve the governance of educational institutions; and

(e) Create better possibilities for students to be empowered, with a sense of responsibility.

29. The Plan included a number of practical measures to implement those goals. They included the introduction of a network of psychosocial support for children who were experiencing difficulties in adapting to school life owing to difficult situations at home or in the immediate neighbourhood, such as parental drug and alcohol abuse, domestic violence, or child abuse and neglect.[9] The Plan also increased the number of assistant teachers in

[7] Ibid., p. 12. Figures for one private secondary school were not included.

[8] Seychelles, National Bureau of Statistics, "Seychelles in Figures", p. 16.

[9] UNDP, *Millennium Development Goals Status Report 2013* (2013), p. 40. Available from www.undp.org/content/dam/undp/library/MDG/english/MDG%20Country%20Reports/Seychelles/FINAL%20VERSION%20MDG%20dated%2005%20December%202013%20ben.pdf.

classrooms to improve numeracy and literacy from early childhood (crèche to second grade). In order to cater to students in need, it introduced measures to give greater attention to both students who do well academically and those who have learning problems and to create an environment where both types of students can progress.

2. Education Sector Medium Term Strategy 2013–2017

30. In the course of dialogue with the Special Rapporteur, the authorities informed him of the latest education reform plan, launched in 2013, the Education Sector Medium Term Strategy (MTS) 2013–2017. This is an ambitious, multi-stakeholder approach to education reform. Overseen by the national ministerial cabinet and the Ministry of Education and supported by the Ministry of Finance, the Strategy is marked by the engagement of many education stakeholders, including international partner organizations, related government ministries, as well as parents and the community to collectively develop an action plan to progressively improve the delivery of education. The Special Rapporteur deems it important for all voices to be encouraged and heard in order to ensure that this democratic approach builds upon available experience in a future-oriented spirit. He encourages both political and educational leaders to promote more inclusive and decentralized decision-making to ensure that practitioners, whether teachers, school administrators or staff in the Ministry of Education are actively encouraged to share their views and experiences to give future reform efforts the greatest chances of success.

C. Human rights in education

31. The Government has recently taken measures to better integrate its international human rights obligations into its domestic legal order and policymaking. In October 2012, the Government established the Seychelles Human Rights Treaty Committee, co-chaired by the Ministry of Foreign Affairs and the Attorney General, and composed of government representatives and civil society. The primary task of the Committee is to develop the national human rights action plan, which will incorporate the country's obligations under international human rights treaties to which Seychelles is a State party into national law and policy. The Special Rapporteur is supportive of those efforts to mainstream human rights in government ministries and policymaking. In addition to strengthening the application of the right to education in national policies and institutions, that approach will also reinforce human rights for women, children and people in vulnerable situations.

D. Financing education

32. Investment in education is an obligation of States under human rights law, and the resources allocated to the education sector on an enduring basis bear witness to the Government's commitment to the development of education in Seychelles. Education-related spending has averaged around 20 per cent of the national budget since 1998 (CEDAW/C/SYC/1-5, table 8),) normally more than 4 per cent of gross domestic product. Spending on education was around 19 per cent in 2010,[10] and such a consistent level of spending provides the predictable support needed to enable continuous planning and improvement.

[10] Presentation by the Minister of Education, Employment and Human Resources to the World Conference on Early Childhood Care and Education, 27–29 September 2010. Available from www.unesco.org/education/WCECCE/presentations/Mondon.pdf.

V. Achievements

33. The Special Rapporteur was impressed by the progress he observed in Seychelles in implementing the right to education throughout the country. He would like to mention some notable features.

34. In 2009, the Government introduced a Dedicated Fund in line with economic reforms. Money from the Fund is allocated to all public schools to ensure that no child is deprived of necessities that would affect them attending school, such as school uniforms, bus passes, day school meals, etc. An inexpensive and affordable school meals programme providing midday meals for students has been introduced.[11]

35. Tuition and school books are free for pre-primary, primary and secondary education in Seychelles. Parents are required to purchase uniforms for primary and secondary schools, though this was not considered as a serious financial burden; uniforms are paid through the Dedicated Fund for students with meagre means. The Special Rapporteur would like to emphasize the importance of such targeted support for disadvantaged students.

36. Such social services are important in contributing to better student learning achievements. School-based counsellors are provided for psychosocial support,[12] although it was noted during the visit that not all schools appeared to have qualified psychologists as counsellors. A school health programme provides immunization and medical services, including in some cases dental services.[13] Youth workers conduct after-school programmes for children related to sports. Finally, the Pastoral Care Programme has been implemented to address behavioural problems. The Special Rapporteur, however, notes that it is difficult to establish the effectiveness of these programmes, as monitoring tools and metrics were not readily available to school administrators.

37. The provision of free, compulsory education without discrimination, coupled with targeted financial support and reasonable social support in schools have contributed to Seychelles having achieved its education-related Millennium Development Goals before the 2015 target date. Primary school enrolment has averaged 99 per cent from 1991 to 2012, and graduation averages are also very high.[14] Male and female literacy rates average 95 per cent, with girls staying in school longer, and achieving higher grades and graduation levels, than boys.[15]

38. The education system in Seychelles has followed an exemplary path for a small island developing State of limited means. Policy measures and reforms have made it possible for Seychelles to meet the education-related Millennium Development Goals well before 2015.

39. The Special Rapporteur was informed that girls are performing increasingly better in national examinations as compared to boys. An African Development Bank report in 2009 noted that girls outperform boys in all subjects across the curriculum.[16] The gap is wider in languages, such as English, French and Creole, but it is also apparent in subjects like mathematics and sciences, which were traditionally male-dominated subjects. Boys make

[11] UNDP, *Report 2013*, p. 43.
[12] Ibid., p. 43.
[13] Ibid., p. 43.
[14] Ibid., p. 43.
[15] Ibid., p. 44.
[16] African Development Bank, *Seychelles Gender Socialization in the Home: Its Impact on Boys' Achievement in Primary and Secondary Schools* (2009), p. 8.

up the majority of underachievers in schools. Girls also perform better in extracurricular activities.

40. The inauguration in late 2010 of the University of Seychelles is a landmark as regards the provision of tertiary education. In 2012, the university had about 360 students in 12 degree programmes, and the desire is to make it an educational hub for the region.[17] The Government has planned to have at least one university graduate per household.[18] Nearly 95 per cent of students pursuing higher studies at the university benefit from government scholarships. Moreover, the university itself has a scholarship scheme that is funded by donations from individuals and the private sector. That is a commendable example of Seychelles fulfilling its obligation under article 13, paragraph 2 (c), of the International Covenant on Economic, Social and Cultural Rights, which provides that "higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education".

41. The University of Seychelles operates in collaboration with the University of London International Programmes, and degrees are awarded from both universities. The University has also formalized partnerships with other universities, including Université de Paris 1 Panthéon-Sorbonne in France, the Edith Cowan University in Australia, the TERI University in India and the Ocean University of China.[19]

42. The Special Rapporteur hopes that Seychelles will continue to build on such achievements, placing education high on the national development agenda, as both the President and the Vice-President of Seychelles have previously been Ministers of Education, and their political commitment is an asset for raising the profile of the right to education.

VI. Key challenges

43. A number of concerns were brought to the attention of the Special Rapporteur during his visit.

A. Challenges facing the teaching profession

44. The Special Rapporteur is deeply concerned about the state of the teaching profession in Seychelles. There is a growing shortage of Seychellois teachers, particularly highly educated ones. That is related to the decline in the reputation and status of the profession, as well as difficult working conditions for teachers and limited career prospects.

1. The retention of teachers

45. The retention of teachers, particularly new teachers and those with a university degree, is an issue which also deserves attention. During a visit to a primary school, several male teachers with whom the Special Rapporteur spoke expressed their dissatisfaction, and

[17] Lifutso Ts'ephe, "Seychelles Country Profile". Available from www.sarua.org/files/Country%20Reports%202012/Seychelles%20country%20profile%20Eng.pdf.

[18] Seychelles, "National Report: Preparation", p. 21.

[19] Phillip Fine, "Seychelles: More than a honeymoon destination", *University World News*, 17 July 2011. Available from www.universityworldnews.com/article.php?story=20110715164900l5.

even their intention to leave the profession once their mandatory teaching period expires.[20] The economy of Seychelles has diversified in recent decades, and it offers secondary school leavers and university graduates an ever increasing number of jobs which pay more and offer less challenging working conditions than teaching. The Special Rapporteur learned that well-performing students aspire to "white collar" positions or more lucrative positions within the private sector and the dominant tourism industry. Dedicated teachers are also increasingly faced with disciplinary problems among students and must cope with growing administrative workloads. The recruitment and retention issues in the teaching profession are a matter of immediate concern. The number of teachers is declining, particularly those who are new and highly educated, and replacement expatriate teachers are often more costly and at times less effective owing to limited local language skills, including Creole skills.

46. The lack of students interested in pursuing a teaching career is the result of a decline in the reputation and attraction of the profession. The rise of disruptive children and the increase in households experiencing social ills suggests that teaching conditions will continue to become more difficult. The persistence of inadequate remuneration and working conditions may lead to the deterioration of teaching profession. The profession must be made more attractive to ensure a sufficient number of quality graduates seek to pursue the profession.

2. Teacher qualifications and working conditions

47. According to the Government, in 2009, approximately 90 per cent of teachers had teacher training qualifications, and 28 per cent were trained to degree level and above (CEDAW/C/SYC/1-5, para. 341). The majority of the untrained teachers were working at the pre-primary and primary level. There has been an acute shortage of teachers at the secondary level, where approximately 25 per cent of staff is composed of expatriate teachers.

48. The Special Rapporteur was informed that the establishment of the University of Seychelles was intended to be a cost-effective way to train more degree-level teachers without incurring the high costs of university education abroad. Locally educated students are also less likely to seek postgraduate employment overseas. However, with fewer than 10 students enrolled in the bachelor of education programme at the time of the Special Rapporteur's visit, it appears that many academically qualified students do not wish to pursue such a degree. It is hoped that the Seychelles Institute of Teacher Education, established in January 2014, will assist in addressing those challenges.

49. Teachers also face problems related to a lack of discipline and respect among students. Efforts to engage parents through School Councils -have only been partially effective; in the worst cases, parents blame the teachers for the problems, rather than resolve them. The lack of a specific mentorship programme for male teachers to help them cope when first joining the profession is also a drawback. The Special Rapporteur supports the idea of such a programme, extended to all new teachers, as the challenges of controlling a classroom are not easily taught in an academic setting.

3. Teaching salaries

50. Teacher remuneration remains a contentious issue in Seychelles. Teachers are relatively poorly paid compared to other positions requiring some level of post-secondary education. That makes it particularly difficult to attract and retain well-educated teachers. It

[20] Teachers who receive government scholarships to study at university, in Seychelles or abroad, are required to teach in Seychelles for a period of time, or must repay the financial assistance they received.

was also reported that teachers with academic degrees do not receive additional compensation for their qualifications. In a meeting with male primary school teachers, the Special Rapporteur was made party to the feelings of dissatisfaction within the teaching profession. Whereas pay levels for the teaching profession were low, more lucrative jobs could be sought in working in industry and for enterprises. In particular, the salary structure of teachers should provide for additional pay for additional education qualifications, ideally at levels comparable to other degree-level graduates in the public sector. If the standard of teachers is to be raised, the incentives to improve their qualifications must also be raised, while improving social regard for the teaching profession.

4. Temporary and contract teachers

51. The acute shortage of Seychellois, qualified teachers has prompted the Government to fill the gap by recruiting non-national teachers. The Special Rapporteur suggests that this measure should only be used as an emergency one, as it creates a number of concerns. Some of those were brought to the attention of the Special Rapporteur by education professionals and related to the language skills and cultural sensitivities of internationally recruited teachers. Such teachers were reported to have difficulty speaking or understanding Creole, particularly in primary schools, where Creole is still the first language of most students and English is just being introduced. Even when English is the language of instruction, students have difficulty understanding on account of teachers' accents. At a minimum, better language skills should be required during the recruitment process. In addition to impairing learning in the classroom, the lack of Creole-language skills is said to contribute to discipline problems with some students, not having adequate English language skills.

52. Internationally recruited teachers receive additional financial incentives to teach that are not offered to local teachers. That disparity further contributes to the erosion of motivation within the profession, and was reported as a concern by a number of teachers during the visit.

53. The Special Rapporteur would like to warn against hiring teachers on a contractual basis and the reportedly growing use of short-term contracts for new teachers. Those practices undermine the profession by making it less stable and attractive. It makes the teaching profession precarious and saps teachers' morale, motivation and commitment.[21] The teaching profession should in fact be valued as a coveted career with due public regard to it as a form of public service of the utmost importance.

B. Imperatives of quality in education

54. The Education Sector Medium Term Strategy 2013–2017, mentioned above, seeks to improve collaboration between the Ministry of Education and key stakeholders to strengthen the quality of education in Seychelles. Although student-teacher ratios are relatively good, at around 13 pupils per teacher in primary education and 12 pupils per teacher in secondary education,[22] quality imperatives require further attention for developing and applying necessary norms and standards. With nearly 80 per cent of education funds allocated to personnel emoluments, there are meagre resources available to upgrade school buildings and equipment. The public school infrastructure should be reviewed to ensure it meets national standards. In the education budget allocation, greater

[21] On the negative impact of the contractual teaching on quality, see UNESCO, "EFA Global Monitoring Report 2013-14: Teaching and Learning: Achieving quality for all" (Paris, 2014), pp. 256–259.

[22] Taken from www.quandl.com/education/seychelles-all-education-indicators.

consideration should be given to the provision of resources for quality education. Moreover, school administrators shared their concern with the Special Rapporteur that the lack of modern information and communication technology equipment, and of adequately trained staff, negatively affected their ability to effectively enhance the education system.

55. In response to the 2009–2010 Education Reform Action Plan and in a drive towards improving standards and quality, Seychelles developed in 2013 the National Assessment Framework to better assist teaching and learning. The aim of the framework is to "build a coherent and comprehensive system of quality education and training, reflecting shared universal and national values, which promote the integrated development of the person and empower him/her to participate fully in social and economic development". With a view to fostering the holistic development of children to enable them to acquire the knowledge, skills, competence and attitude necessary in today's world and with an emphasis on "acceptable professional standards" of quality,[23] the Framework focuses on inclusion and equity, placing students at the centre, with the intention of promoting student-centred learning, self-esteem and learning to learn.

56. The Framework provides that, pursuant to the Education Act of 2004, "assessments shall be conducted in accordance with regulations at the end of each key stage of primary and secondary schooling to evaluate the performance of students in relation to the targets of the national curriculum" and makes provisions for national testing to take place at the end of each key stage.[24] That is indeed commendable for maintaining enduring quality in learning. Accordingly, the national assessment provides a sense of students' achievements by identifying areas of strength and weaknesses: "what is assessed must be developmentally and educationally significant."[25]

57. Similarly, in order to respond to imperatives of quality, the National Curriculum Framework, adopted in 2013, creates the "entitlement to high standards of education",[26] placing emphasis on learning for every student in all schools that will enable them to succeed.[27] It recognizes the importance of the diversity of educational needs and a student-centred approach to learning and teaching at key stages —— early childhood, primary education, and secondary education, with foundations for lifelong learning — along with national development priorities.

58. In that respect, the Special Rapporteur also recognizes the importance of the Seychelles Qualifications Authority, established by the Seychelles Qualifications Act (2005). Its primary purpose is to develop and implement the National Qualifications Framework to provide nationally recognized standards.

59. In that context, it is important to mention developments with respect to performance monitoring. The Education Reform Action Plan (2009–2010–), already mentioned, laid the framework for the establishment of performance management systems to evaluate the quality of teaching, administration and the education curriculum. The plan also established monitoring and evaluation committees. However, a lack of performance management tools and in particular information technology systems, as well as personnel qualified in these areas, makes it difficult to evaluate the effect of changes made to the education system. The

[23] Seychelles, Ministry of Education, "The National Assessment Framework: Supporting a new vision for learning" (Mont Fleuri, 2013), pp. 2 and 4.

[24] Ibid., p. 2.

[25] Ibid., p. 4.

[26] Seychelles, Ministry of Education, "The National Curriculum Framework: Supporting a new vision for learning", p. 10.

[27] Ibid., p. 1.

Special Rapporteur emphasizes that those areas must be strengthened so as to facilitate assessment of the impact of current and future reforms.

C. Reinvigorating the University of Seychelles

60. Until the establishment of the University of Seychelles in 2009, approximately 100 students were annually sent to study at universities abroad through national scholarships. Partnerships were developed with universities in the United Kingdom of Great Britain and Northern Ireland, France, Australia and elsewhere. However, the very high salary differential between jobs available in Seychelles and those available to international graduates abroad contributed to a high number of students opting to stay abroad at the end of their studies.

61. The University of Seychelles was established in 2009 to address, inter alia, that concern so that as a national university, it can provide degree-level teaching, and research programmes, and minimize the need for students to be sent abroad for studies. The university teaching degree programme was developed to improve the qualifications of teachers, particularly those with a two-year diploma or less, who are predominantly teaching at the primary-school level.

62. The creation of the university involved bringing teaching certificate and diploma programmes from the former School of Education, which was previously administered by the Ministry of Education, to the university in an effort to ensure that more teachers would graduate with a four year degree. However, very few students interested in teaching are academically qualified for the four-year degree programme, and those enrolled in the School of Education diploma programmes were forced to begin their studies again upon entering the university. The Special Rapporteur notes that the lack of students is not just a result of the difficult transition from the School of Education to the University of Seychelles, but that it also reflects the relatively low attraction of the teaching degree for qualified students. As a result, four years following the founding of the university, there are very few prospective graduates of any teaching programme. Replacing the old pattern of teacher education with a radically new system has created serious gaps that need to be bridged.

D. Establishing gender balance in education

63. Girls' performance in general education overshadows that of boys. According to available reports, girls outperform boys, in part because of parental and teacher attitudes that push girls to stay in school, while neglecting to attend equally to the performance concerns of boys.[28] The performance disparity has recently become more pronounced at the university level. It has been suggested that the disparity is also the result of a number of social problems, including greater drug dependence, school behavioural problems and learning difficulties among young men.[29] Boys also leave school earlier, often to enter the workforce.

64. In post-secondary programmes, including technical post-secondary institutions, men outnumber women overall, although the ratio is declining.[30] Women also continue to be heavily underrepresented in technical and vocational post-secondary institutions, such as the

[28] UNDP, *Report 2013*, p. 42.
[29] Ibid., p. 45.
[30] Ibid., p. 44.

Maritime Training Centre and the Seychelles Institute of Technology.[31] The two institutes traditionally attracted the students with the lowest academic achievements, although that may be improving. Low female enrolment may also be related to low female employment rates in those fields, as some employers, such as construction or shipping companies, may be unwilling to accommodate female staff, for example, by providing separate toilet facilities.

E. Skills development: ascribing value to technical and vocational education and training

65. During his visit to primary and secondary schools, the Special Rapporteur was not surprised to learn that vocational training was seen as a career path for low-performing students and school dropouts. Following his visit to a technical college, he was informed that there were at times fewer applicants for some technical programmes than there were places available. Moreover, collaboration with industry was weak in areas outside of tourism, and many companies preferred to hire employees from abroad, justifying their choice by the lack of skilled local workers.

66. Increasing the attraction of technical and vocational training and education within Seychelles must begin in the school system. Under the present system, top students are encouraged to take the International General Certificate of Secondary Education in the final two years of secondary school. That approach streams students into academic careers, with only those who do not succeed turned towards vocational options. The perception of technical and vocational education and training as a career path of last resort must be transformed; technical and vocational education and training should be made more attractive and esteemed as a system that produces the skilled workers that the economy of the Seychelles requires. Further, the transformative role of technical and vocational education and training calls for ameliorating the quality of technical and vocational education and training programmes and institutions. A project memorandum approved by the Government in 2009 and implemented since 2011 seeks to address those issues, but much work remains to be done in that area.

67. The Special Rapporteur observed with concern that professional post-secondary institutions reportedly received inadequate funding to maintain their buildings and operate their classes with adequate raw materials. The UNESCO Revised Recommendation concerning Technical and Vocational Education states: "Government and the private sector should recognize that technical and vocational education is an investment, not a cost, with significant returns".[32] It should be ensured that the quality of technical education is sufficiently high and respectable to allow graduates to be attractive to potential employers, without excessive additional training requirements. That is all the more necessary as the national technical and vocational education and training curriculum reflects the learning areas and acquisition of "practical skills and attitudes, understanding and knowledge relating to occupations in various sectors of economic and social life," recognizing the importance of applying knowledge and skills to design and creative processes and "develop an enterprising ethos" with sustainable opportunities.[33]

68. With more than 12,000 foreign skilled workers on its territory, Seychelles is dependent upon expatriates. The shortage of skilled tradespersons leaves serious gaps. The

[31] Ibid., p. 45.

[32] Adopted by the General Conference of UNESCO at its eighteenth session, Paris, 19 November 1974, UNESCO Revised Recommendation concerning Technical and Vocational Education, para. 9.

[33] Seychelles, "The National Curriculum Framework", p. 22.

Government must develop innovative approaches to ensure that national human resource policies and the education system reduce that dependence on foreign workers by developing a competent and skilled national workforce. The human resources development strategy needs to harmonize with the immigration policy geared towards increasing the number of trained workers. Developing a competent and skilled national workforce for is indispensable for reducing dependence on expatriates.

F. Emerging challenges to skills requirements emanating from the "Blue Economy"

69. As an indispensable component of the drive towards quality education, skills development through technical and vocational education and training is particularly necessary to meet the critical challenges of an increasingly globalized economy, and the rising aspiration of youth. However, technical and vocational education and training should be an integral part of secondary education, with pathways for the pursuit of higher education. It is encouraging that Seychelles recognizes the need for imparting skills that are conducive to fostering sustainable development.

70. The Special Rapporteur would like to particularly emphasize the importance of the emerging concept of the "Blue Economy", emanating from the vision of sustainable development to which the Government of Seychelles attaches great importance. The concept of the "Blue Economy" seeks to diversify economic development with a focus on maritime economic opportunities. Those range from tourism-related activities, including the development of sailing, diving and cruise-ship-related activities, to shipping and port facilities; international maritime trade and navigation; and the development of maritime resources, including fishing, aquaculture and underwater resource extraction. These emerging industries will require a technically skilled workforce.

71. Operationalizing a policy framework for developing the "Blue Economy" should be premised upon its various educational dimensions, with the focus on skills development in key areas. The concept of the "Blue Economy" encompasses several potential areas of importance, including shipping and port facilities, fisheries, tourism, aquaculture, energy, biotechnology and submarine mining.[34] It also requires an integrated and holistic approach to the conservation of biodiversity. It is important to ensure that durable international cooperation underpins all of its aspects, including research as a key component. The university consortium of small island developing States administered by the University of West Indies in Jamaica, which groups six universities of small island developing States, offers considerable potential, particularly regarding its mission to enhance graduate education institutions in such States by facilitating capacity development.[35] Studies and research on sustainable development on which the Consortium is working, including a joint master's degree, are important to consider, all the more so as the Seychelles Sustainable Development Strategy 2011–2020 recognizes the importance of education for sustainability.

G. Challenges of societal dimensions of education: personal and social education

72. In recognition of the many social challenges faced by some students at home and in their communities, a salient feature of the education curriculum is inclusion of a personal, social and citizenship education programme for teaching civics, religion and social arts

[34] Seychelles, "Seychelles Concept Paper on the Blue Economy", (2013).

[35] Seychelles, "National Report: Preparation" (2013), p. 30.

programmes aimed at educating children in a holistic fashion. The unique programme has the advantage of being designed to meet the current social concerns of the Seychellois, and is an important measure to assist in the full development of the child.

73. The provision of personal and social development is at the core of the personal, social and citizenship education, and the national curriculum as a whole. Organized around four major strands — the family, health and well-being; moral and spiritual education; citizenship education; and careers education — personal, social and citizenship education encompasses some of the essential skills, knowledge and understanding, attitudes and values to help children and young people make sense of their life experience. It thus supports the "holistic development of students"[16] which is an important part of the right to education. A noteworthy feature of such education is that it places emphasis on the development of an awareness of personal values, rights and responsibilities, and the values of human rights.[17]

74. However, during his visit, the Special Rapporteur was concerned to hear that the personal, social and citizenship education programmes are not evaluated through testing as such subjects as mathematics, science or language classes are, and that the programme is not yet regarded by many teachers and students as a rigorous academic course, particularly in contrast to classes related to the International General Certificate of Secondary Education. The Special Rapporteur considers it important for the Government to develop a robust evaluation system to counter those issues if personal, social and citizenship education is to have a meaningful role in the education of children and their development. This can dissuade students ignoring coursework if it has no impact on their academic standing; and it can also engage teachers to take more responsibly in teaching personal, social and citizenship education. When social values are deemed an important part of citizenship, the programme should be treated as seriously as any other. That will also require engagement with parents and teachers, to ensure the all stakeholders understand and support the purpose of the programme.

H. Social Renaissance Programme

75. In an effort to address increasing social issues in the home, President Michel launched the Social Renaissance Programme in 2011. The programme is highly significant in embodying the concept of "humane development", which is enshrined in the Constitution of Seychelles.

76. The programme includes the National Plan of Action for Social Renaissance, developed through extensive consultation with citizens and civil society. It raises some of the most serious social concerns for national discussion. Under the action plan, the challenges faced by youth today must be voiced through public debate, in which all stakeholders in education have an important role to play. Social and disciplinary problems in schools in Seychelles continue to be major issues in the school environment.[18] Moreover, domestic violence is a phenomenon which cannot be neglected, especially given its repercussions on the nation's youth.

77. The Social Renaissance Programme and its plan of action seek to create a multi-ministerial framework to address social issues of national concern, and that in collaboration

[16] Seychelles, "The National Curriculum Framework", p. 24.

[17] Ibid.

[18] For details, see André Leste and Egbert Benstrong, *SACMEQ III Project in Seychelles: A study of the conditions of schooling and the quality of education* (Southern and Eastern Africa Consortium for Monitoring Educational Quality), table 5.6, p. 50.

with civil society and religious organizations. The national-level endeavour by the Government to grapple with the societal dimensions of education is evidenced by the subcommittees created in six areas: (a) drugs and crime, (b) education, (c) employment, (d) health and high-risk behaviour, (e) community relationships and (f) personal responsibility.

78. The plan of action envisages a number of individual projects, supervised by appropriate government ministries, in an effort to raise awareness of the issues plaguing society, and attempting to engage with parents, civil society and government agencies to identify solutions. The Special Rapporteur is very supportive of that approach, and encourages the Government to provide sufficient resources and staffing to ensure that projects are measured for effectiveness, and that evidence-based policy recommendations can emerge from this project of high national importance.

79. The Special Rapporteur shares the concerns of many teachers, administrators and government ministers regarding the increasing incidents of disruptive behaviour and social problems affecting schools of all levels. He is appreciative of the "whole-of-government" approach being championed by way of the Social Renaissance Programme through the inclusion of multiple government ministries to address these problems.

80. The Social Renaissance Programme is well conceived in the context of the 50th Anniversary of the Solemn Declaration of the Organization of African Unity and the African Union embracing the concept of African Renaissance and setting the pan-African priorities of vision 2060 extending over next 50 years.

VII. Conclusions

81. **The education system in Seychelles has followed an exemplary path for a small island developing State of limited means. The Constitution and education laws incorporate the country's international obligations under the right to education. Policy measures and reforms have made it possible for Seychelles to meet the education-related Millennium Development Goals well before 2015. The emphasis on equality in education has significantly addressed differences in achievements based on gender and race, creating a system which provides equal opportunity for all based on ability. Public spending on education, at over 4 per cent of gross domestic product, is commendable and the establishment of the University of Seychelles in 2009 is a milestone achievement.**

82. **The Special Rapporteur is encouraged by the commitment the Government of Seychelles has shown towards implementing the right to education. The Government continues to engage actively with international organizations, as well as bilaterally with partner nations and educational institutions, to improve its education system. Seychelles has achieved universal access to basic education and must now continue to take measures to improve the quality of the education system, with the focus on key challenges, such as improving professional status of and social regard for the teaching profession; improving technical and vocational education and training; meeting social challenges and promoting social and personal education in face of social and behavioural problems among students, which are becoming an ever more serious impediment to learning in classrooms; and intensifying normative action for responding to imperatives of quality, including investment in infrastructure and equipment. All of those issues need to be addressed in an endeavour to improve the education system.**

83. **The "Blue Economy", emanating from the vision of sustainable development to which the Government of Seychelles attaches great importance, is an area of great potential — nationally, regionally and internationally. The concept seeks to create a**

framework aimed at improving human well-being and social equity in an environmentally sustainable way. It presents a great opportunity for a collaborative approach among the small island developing States. Such a human-centred approach to development, which seeks to meet some of today's greatest environmental challenges, can be a valuable source of contribution in the context of current discussions on post-2015 development agenda. The Government should accord high priority to ensure that skills development remains central in national, regional and international initiatives, which are giving shape to the concept of the "Blue Economy".

VIII. Recommendations

84. Taking into consideration the above and his findings during the mission, the Special Rapporteur wishes to make the following recommendations with a view towards contributing to the improvement of the education system in Seychelles.

A. Improving teachers' professional standing and social regard for the teaching profession

85. A review should be conducted on alternative financial and non-financial incentives that can be used to attract and retain teachers. Teachers, particularly the newly recruited, should be provided with additional training on how to effectively control and discipline their classes in a child-friendly approach. The development of a new teacher mentorship programme may be one option. The teachers' Scheme of Service, which provides the terms and conditions of employment for teachers, including salaries, should be further reviewed to identify cost-effective means of improving the conditions of service.

86. The Ministry of Education and school administrators should consider how they can more effectively maintain student discipline within public schools. Efforts to engage with parents and the community through the Social Renaissance Programme, as well as at the local level through school councils-, should be strengthened to ensure troubled young persons are able to receive the needed early assistance, and proper guidance for the pursuit of their studies.

87. The recruitment of highly qualified teachers and administrators from the Ministry of Education to other positions within the Government should be discouraged, and the incentives behind such moves should be addressed. In particular, any disparities in salaries and working conditions for equally qualified workers should be removed as matter of priority.

88. The recruitment of teachers internationally should be used sparingly and the Government should mobilize additional resources for increasing the enrolment of teachers in post-secondary education institutions and their in-service training. Where teachers are hired, care should be taken to find ones who speak or learn CreoleC, and they should be provided with pedagogic support and training to assist them in better relating to their students.

89. The Government should minimize the use of temporary contracts for teacher recruitment, as it negatively affects their motivation and commitment to the profession.

B. Upgrading standards and quality in education

90. **Within the framework of the Education Sector Medium Term Strategy 2013–2017, the Government should develop and implement the necessary quality norms and standards. In keeping with the National Assessment Framework developed in 2013, Seychelles should embrace a "comprehensive system of quality education and learning" based on a holistic concept, which goes beyond the instrumental role of education in mathematical literacy and numeracy, and places a premium on the humanistic mission of education.**

91. **The quality imperatives should be a determinant factor in investing in education as against recurring expenditure so as provide necessary financial resource base for giving effect to quality standards. Enhancing national investment for fostering quality as a public policy concern deserves much more consideration.**

92. **The Government should take the necessary measures pursuant to the National Curriculum Framework, adopted in 2013, which creates the "entitlement to high standards of education," placing emphasis on learning for every student in all schools that will enable them to succeed. In order to develop in children a love for learning, well-trained and motivated teachers are needed to speak to their minds but also to their hearts. That calls for new pedagogical approaches which are child-friendly, inspiring and motivating, and replace any remaining instances of rote learning. Quality education also necessitates that teachers should be capable of developing critical thinking skills in children and adults, and nurture in them moral values.**

C. Strengthening technical and vocational education and training

93. **The Government should review the secondary school curriculum with a view to creating a viable, attractive technical and vocational education and training programme, which will provide qualified, capable graduates into professional post-secondary institutes. The review should seek to address the barriers preventing women from entering technical fields and the workforce.**

94. **The Government should also consider how to address the stereotypes and misinformation about technical and vocational education and training programmes among teachers, students and technical institutions and in the workplace. The Government should take steps to develop an institutionalized framework of collaboration with industry for promoting technical and vocational education and training and developing necessary skills. Schools should partner industry to address the stigma associated with vocational careers. In-school vocational training fairs, on-site school visits, and similar initiatives may help students better appreciate the career possibilities associated with non-academic career options.**

95. **Teachers must also be trained to enable them better to guide students towards non-academic career options in a positive light. That requires far-reaching reforms of the technical and vocational education and training sector to include the development of much closer collaboration between industry and professional centres. Examples may include the sponsorship of particular programmes needed by the particular industries; work placement programmes; and employees of those businesses could be encouraged to act as practitioner instructors, student mentors or industry representatives in secondary schools to improve the quality of the education and training being provided.**

96. **Technical and vocational education and training should be ascribed value as a professional career path, with a campaign for raising social regard for it.**

Policymakers, educators and teachers must help spread the message that competencies and skills that respond to the rising aspirations of youth in today's globalized economy provide leverage in economic development and social progress.

97. The Government should review its post-secondary educational investment priorities. Funding for technical and vocational education and training programmes and institutions should be increased to better compare it to investments made for university education, and to ensure that all students receive a high-quality education. National investment in technical and vocational education and training, including post-secondary institutions and higher technical education, should be enhanced to ensure that this sector of strategic importance receives necessary support as a development priority.

98. The Government should explore the diverse range of funding mechanisms and resources for technical and vocational education and training. For example, as part of the preview of the Corporate Social Responsibility Tax, enterprises can be encouraged to invest in such education in recognition of its key importance for industrial development and economic growth. A fund could even be envisaged to leverage existing resources for national programmes for such education and training, in particular for technical equipment and facilities. The Government should consider sharing to the maximum extent possible funding for technical and vocational education and training with industry and the private sector, with appropriate incentives to this end.

D. Meeting social challenges

99. Seychelles should intensify its national endeavour to respond to the social challenges facing its youth, with the Social Renaissance Programme and related Action Plan as a springboard. That would require reinforcing school-centred resources, including improvements in pedagogy and the delivery of the Personal, Social and Citizenship Education curriculum, school-based health and psychological support, and the Pastoral Care Programme, among others. All such programmes should be carefully coordinated with adequate support and proper evaluation to ensure that they are effective in building the movement for social transformation through education.

100. The implementation of the Social Renaissance Programme should be linked to the National Curriculum Framework, adopted in 2013, which recognizes the need for ethical standards, such as zero tolerance for cheating or plagiarism. The Personal, Social and Citizenship Education curriculum should be strengthened to address the social issues affecting schools. In particular, the curriculum should be made more rigorous, including examinations and evaluations that will encourage secondary school students to perform better in these exams. The curriculum should also be tied into complementary efforts, including parent-teacher councils, in an effort to involve them actively in bringing about social transformation.

E. Envisaging the phased development of University of Seychelles with a master plan strengthening technical and vocational education and training

101. The manner in which the University of Seychelles is taking shape and its modus vivendi calls for careful review. The university must emerge as a seat of learning, with the pursuit of excellence in chosen areas of national priority. The efforts to nurture the

university require much more focus on an approach underpinned by the thrust for "institution-building". The deployment of teachers on a contractual basis should have no place in an incipient institution, which needs full commitment, above all by the teaching community, including long-term research, along with professional dedication to teaching and excellence.

102. The university should be geared in a sustainable manner towards developing certain well-defined disciplines, achieving long-term objectives progressively. It would be ideal if an innovative approach for developing disciplines in response to the emerging concept of "Blue Economy" is launched. The university can thus advance towards specializing in one or two well-defined areas of key importance for Seychelles, with the aspiration of emerging as a world-class research and learning centre, and acquire world fame in those areas of specialization. International collaboration should be strengthened and diversified.

F. Placing skills development programmes as central to the "Blue Economy"

103. The "Blue Economy", emanating from the vision of sustainable development to which the Government of Seychelles attaches great importance, is an area of great potential — nationally, regionally and internationally. The concept is aimed at creating a framework aimed at improving human well-being and social equality and presents a great opportunity for a collaborative approach among the small island developing States. Such an approach to development, which seeks to meet some of today's environmental challenges, can be a valuable contribution to current discussions on post-2015 development agenda. The Government should accord high priority to ensure that skills development remains central in initiatives in giving shape to the concept of the "Blue Economy."